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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT

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2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,744	Applicant(s) AOKI, YAYOI	
	Examiner Muthuswamy G. Manoharan	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/22/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4,12 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are missing first and second guidance whereas the third guidance is recited in the claims 4,12 and 19.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, 6,9,10,13,15-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lazaridis et al. (hereinafter Lazaridis) (U.S. 6,219,694).

Regarding claim 1, Lazaridis teaches a mobile communication system comprising: a mobile terminal (Col. 6, lines 31-37) which executes a program (Col. 6, lines 42-43); a base station which communicate with said mobile terminal in a radio channel; a network (item 22 in Figure 1) connected with said base station; and a server (item 11 in Figure 2) having a server storage unit) wherein said mobile terminal transmits a with a parameter of an event selected previously (Col. 6, lines 56-65) or a

telephone number corresponding to a received call to said server through said base station and said network based on said program, said server retrieves said schedule data corresponding to said parameter from said server storage unit and transmits the retrieved schedule data to said mobile terminal through said network and said base station (Col. 1, lines 13-17), and said mobile terminal stores the retrieved schedule data in a terminal storage unit based on said program (Col 1, lines 50-55).

Regarding claim 2, Lazaridis teaches the mobile communication system according to claim 1 wherein said parameter is the event, said mobile terminal comprises a display and input section, said mobile terminal executes said program to provide a first guidance for a user to select one of events previously (Col. 3, lines 8-24).

Regarding claim 6, Lazaridis teaches the mobile communication system according to claim 1, wherein said mobile terminal further comprises a scheduler (Col. 6, line 61) which manages a schedule, said mobile terminal issues a request to said scheduler to register or update said schedule, said scheduler analyzes the schedule data stored in said terminal storage unit in response to the request and reads out the retrieved schedule data from said terminal storage unit based on the analyzing result and holds as a new schedule while said program is executed.

Regarding claim 8, Lazaridis teaches the mobile communication system according to claim 1, wherein said mobile terminal executes another program to download said program from said server (Col. 1, lines 50-55).

Regarding claim 9, Lazaridis teaches a mobile terminal (item 24 in Figure 1) comprising: a radio section; a terminal storage unit; a display and input section; a

control section, which executes a first program; and a program executing section which executes a said control section to second program to instruct control said radio section to transmit a request with a parameter telephone server, and to store of an event (Col. 1, lines 13-17) selected previously or a number corresponding to a received call to a schedule data provided from said server in said terminal storage unit (Col. 1, lines 50-55) when said schedule data is received by said radio section (Col. 6, lines 56-65).

Regarding claim 10, Lazaridis teaches the mobile terminal according to claim 9 wherein said parameter is the event, executing section instructs said control section to control said display and input section to provide a first guidance for a user to select one of events previously (Col. 3, lines 8-27).

Regarding claim 13, Lazaridis teaches the mobile terminal according to claim 9, further comprising a scheduler (Col. 6, line 61) which manages a schedule, said mobile terminal issues a request to said scheduler to register or update said schedule, said scheduler analyzes the schedule data stored in said terminal storage unit in response to the request and reads out the retrieved schedule data from said terminal storage unit based on the analyzing result and holds as a new schedule while said program executing section executes said second program.

Regarding claim 15, Lazaridis teaches the mobile terminal according to claim 9, wherein said control section controls said radio section to download said second program from said server (Col. 1, lines 50-55).

Regarding claim 16, Lazaridis teaches a software product executable by a computer and comprising: a function to generate an instruction such that a request with

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a parameter of an event selected previously (Col. 6, lines 56-65) or a telephone number corresponding to a received call is transmitted to a server; and a function to store a schedule data provided from said server in a terminal storage unit when said schedule data is received (Col. 1, lines 50-55).

Regarding claim 17, Lazaridis teaches the software product according to claim 16, wherein said parameter is the event, said software product comprises: a function to generate an instruction such that a first guidance is provided for a user to select one of events previously (Col. 3, lines 8-24).

Regarding claim 20, the software product according to claim 16, further comprising: a function to issue a request to a scheduler (Col. 3, line 23) to register or update said schedule, when said schedule data is stored in the said terminal storage unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Espino (U.S. 2003/0191868).

Regarding claim 3, Lazaridis discloses all the particulars of the claim 1 including the timer (Col. 3, line 23), except wherein said mobile terminal, said mobile terminal executes said program to provide a second guidance for the user to input a time

interval, said mobile terminal starts said timer to measure said time interval, and transmits said request with said parameter of the selected event to said server for every time interval. However, Espino teaches in an analogous art, the mobile communication system wherein said mobile terminal further comprises a timer, said mobile terminal executes said program to provide a second guidance for the user to input a time interval, said mobile terminal starts said timer to measure said time interval, and transmits said request with said parameter of the selected event to said server for every time interval (Paragraph [0061], lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the mobile communication system wherein said mobile terminal further comprises a timer, said mobile terminal executes said program to provide a second guidance for the user to input a time interval, said mobile terminal starts said timer to measure said time interval, and transmits said request with said parameter of the selected event to said server for every time interval. This modification improves the mobile terminal in handling real time applications (sports scores, news, weather report, stock quotes etc), where the information has to be gathered periodically.

Regarding claim 11, Lazaridis discloses all the particulars of the claim 10, except, wherein said program executing section instructs said control section and input user to input section to provide a second guidance for the user to input a time interval, said program executing section starts said timer to measure said time interval, and instructs said control section to control said radio section to transmit said request with said parameter of the selected event to said server for every time interval. However, Espino

teaches in an analogous art, the mobile terminal according to claim 10 further comprising a timer, wherein said program executing section instructs said control section and input user to input section to provide a second guidance for the user to input a time interval, said program executing section starts said timer to measure said time interval, and instructs said control section to control said radio section to transmit said request with said parameter of the selected event to said server for every time interval (Paragraph [0061], lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the mobile terminal wherein said program executing section instructs said control section and input user to input section to provide a second guidance for the user to input a time interval, said program executing section starts said timer to measure said time interval, and instructs said control section to control said radio section to transmit said request with said parameter of the selected event to said server for every time interval. This modification improves the mobile terminal in handling real time applications (sports scores, news, weather report, stock quotes etc), where the information has to be gathered periodically.

Regarding claim 18, Lazaridis discloses all the particulars of the software product according to claim 17, except for a function to generate an instruction a second guidance is provided for the user to input a time interval; a function to start a timer to measure said time interval; and a function to generate an instruction such that said request with said parameter of the selected event is transmitted to said server for every time interval. However, Espino teaches in an analogous art, the software product claim 17 further comprising: a function to generate an instruction a second guidance is

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provided for the user to input a time interval; a function to start a timer to measure said time interval; and a function to generate an instruction such that said request with said parameter of the selected event is transmitted to said server for every time interval (Paragraph [0061], lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the software product claim 17 further comprising: a function to generate an instruction a second guidance is provided for the user to input a time interval; a function to start a timer to measure said time interval; and a function to generate an instruction such that said request with said parameter of the selected event is transmitted to said server for every time interval. This modification improves the software product in handling real time applications (sports scores, news, weather report, stock quotes etc), where the information has to be gathered periodically.

Claims 4-5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Pepper et al. (hereinafter Pepper) (U.S. 5,930,700).

Regarding claim 4, Lazaridis discloses all the particulars of the claim except the mobile communication system according to the claim 1, wherein said parameter is the telephone number, and said server stores said schedule data in said server storage unit in relation with the telephone number, said mobile terminal executes said program to provide a third guidance for the user to input a telephone number, and holds the inputted telephone number, when a call is received, said mobile terminal executes said program to determine whether the telephone number corresponding to the call is coincident with the inputted telephone number, and to transmit said request with said

parameter of the telephone number corresponding to the call to said server when it is determined that the telephone number corresponding to the call is coincident with the inputted telephone number.

However, Pepper teaches in an analogous art, the mobile communication system according to the claim 1, wherein said parameter is the telephone number, and said server stores said schedule data in said server storage unit in relation with the telephone number (Col. 4, lines 65-68, Col. 5, lines 1-5), said mobile terminal executes said program to provide a third guidance for the user to input a telephone number, and holds the inputted telephone number, when a call is received, said mobile terminal executes said program to determine whether the telephone number corresponding to the call is coincident with the inputted telephone number (Col. 3, lines 47-50), and to transmit said request with said parameter of the telephone number corresponding to the call to said server when it is determined that the telephone number corresponding to the call is coincident with the inputted telephone number (Col. 6, lines 30-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include in the mobile communication system according to the claim 1, wherein said parameter is the telephone number, and said server stores said schedule data in said server storage unit in relation with the telephone number, lines, said mobile terminal executes said program to provide a third guidance for the user to input a telephone number, and holds the inputted telephone number, when a call is received, said mobile terminal executes said program to determine whether the telephone number corresponding to the call is coincident with the inputted telephone

number, and to transmit said request with said parameter of the telephone number corresponding to the call to said server when it is determined that the telephone number corresponding to the call is coincident with the inputted telephone number. This modification provides a system for screening and routing calls directed to a communications services subscriber.

Regarding claim 5, Lazaridis discloses all the particulars of the claim except the mobile communication system according to the claim 4, further comprising a computer connected with said network to upload a specific schedule data with a telephone number to said server, wherein said server stores the specific schedule data uploaded from said computer through said network in said server storage unit in relation with the telephone number from said computer. However, Pepper teaches in an analogous art, the mobile communication system according to the claim 4, further comprising a computer connected with said network to upload a specific schedule data with a telephone number to said server, wherein said server stores the specific schedule data uploaded from said computer through said network in said server storage unit in relation with the telephone number from said computer (Col. 6, lines 30-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include in the mobile communication system according to the claim 4, further comprising a computer connected with said network to upload a specific schedule data with a telephone number to said server, wherein said server stores the specific schedule data uploaded from said computer through said network in said server storage unit in relation

with the telephone number from said computer. This modification provides a system for screening and routing calls directed to a communications services subscriber.

Regarding claim 12, Lazaridis discloses all the particulars of the claim except the mobile terminal according to claim 9, wherein said parameter is the telephone number, and said server stores said schedule data in said server storage unit in relation with the telephone number, said program executing instructs said control section to control said display and input section provide a third guidance for the to user to input a telephone number, and holds the inputted telephone number, when a call to said mobile phone is received by said radio section, said control section informs a call reception to said program executing section together with a telephone number corresponding to said call, said program executing section determines whether the telephone number corresponding to the call is coincident with the inputted telephone number, and instructs said control section to control said radio section to transmit said request with said parameter of the telephone number corresponding to the call to said server when it is determined that the telephone number corresponding to the call number corresponding to the call is coincident with the inputted telephone number.

However, Pepper teaches in an analogous art, the mobile terminal according to claim 9, wherein said parameter is the telephone number (Col. 4, lines 65-68, Col. 5, lines 1-5), and said server stores said schedule data in said server storage unit in relation with the telephone number, said program executing instructs said control section to control said display and input section provide a third guidance for the to user to input a telephone number, and holds the inputted telephone number, when a call to said mobile phone is received by said radio section, said control section informs a call reception to said program executing section together with a telephone number corresponding to said call, said program executing section determines whether the telephone number corresponding to the call is coincident with the inputted telephone number (Col. 3, lines 47-50), and instructs said control section to control said radio section to transmit said request with said parameter of the telephone number corresponding to the call to said server when it is determined that the telephone number corresponding to the call number corresponding to the call is coincident with the inputted telephone number (Col. 6, lines 30-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include in the mobile terminal according to the claim 4, wherein said parameter is the telephone number, and said server stores said schedule data in said server storage unit in relation with the telephone number, said program executing instructs said control section to control said display and input section provide a third guidance for the to user to input a telephone number, and holds the inputted telephone number, when a call to said mobile phone is received by said radio section, said control section informs a call reception to said program executing section together with a telephone number corresponding to said call, said program executing section determines whether the telephone number corresponding to the call is coincident with the inputted telephone number, and instructs said control section to control said radio section to transmit said request with said parameter of the telephone number corresponding to the call to said server when it is determined that the telephone number corresponding to the call number corresponding to the call is coincident with the inputted telephone number. This modification provides a system for screening and routing calls directed to a communications services subscriber.

Regarding claim 19, Lazaridis discloses all the particulars of the claim except the software product according to claim 16, wherein said parameter is the telephone number, and said server stores said schedule data in said server storage unit in relation with the telephone number, said software product comprises: a function to generate an instruction such that a third guidance is provided for the user to input a telephone number; a function to hold the inputted telephone number; a function to determine whether a telephone number corresponding to the call is coincident with the inputted telephone number, when the call is received; and a function to generate an instruction such that said request number corresponding to with said parameter the call is transmitted to said server when it is determined that the telephone number corresponding to the call is coincident with of the inputted telephone number. However, Pepper teaches in an analogous art, except the software product according to claim 16, wherein said parameter is the telephone number (Col. 4, lines 65-68, Col. 5, lines 1-5), and said server stores said schedule data in said server storage unit in relation with the telephone number, said software product comprises: a function to generate an instruction such that a third guidance is provided for the user to input a telephone number; a function to hold the inputted telephone number; a function to determine whether a telephone number corresponding to the call is coincident with the inputted telephone number (Col. 3, lines 47-50), when the call is received; and a function to generate an instruction such that said request number corresponding to with said parameter the call is transmitted to said server when it is determined that the telephone

number corresponding to the call is coincident with of the inputted telephone number(Col. 6, lines 30-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the software product according to claim 16, wherein said parameter is the telephone number, and said server stores said schedule data in said server storage unit in relation with the telephone number, said software product comprises: a function to generate an instruction such that a third guidance is provided for the user to input a telephone number; a function to hold the inputted telephone number; a function to determine whether a telephone number corresponding to the call is coincident with the inputted telephone number, when the call is received; and a function to generate an instruction such that said request number corresponding to with said parameter the call is transmitted to said server when it is determined that the telephone number corresponding to the call is coincident with of the inputted telephone number. This modification provides software for screening and routing calls directed to a communications services subscriber.

Claim 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Espino (US 2003/0191868).

Regarding claim 7 Lazaridis discloses all the particulars of the claim except the mobile communication system according to the claim 1 wherein said program is a JAVA (R) program. However, Espino teaches in an analogous art, teaches the mobile communication system according to claim 1, wherein said program is a Java(R) program (Paragraph [0091], line 9). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of invention to use JAVA as a programming language for the mobile communication system. This is because, Java software, allows programs to run on a variety of computing devices without having to be rewritten for each one.

Regarding claim 14 Lazaridis discloses all the particulars of the claim except the mobile terminal according to the claim 9 wherein said program is a JAVA (R) program. However, Espino teaches in an analogous art, teaches the mobile terminal according to claim 1, wherein said program is a Java(R) program (Paragraph [0091], line 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use JAVA as a programming language for the mobile terminal. This is because, Java software, allows programs to run on a variety of computing devices without having to be rewritten for each one.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peskin et al. disclose the scheduler and timer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'WGT', with a long, sweeping horizontal line extending to the right.

**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**